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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001159

SIPDIS

E.O. 12958: DECL: 1.6X6

TAGS: [PGOV](#) [NI](#)

SUBJECT: NIGERIA: ELECTIONEERING IN NIGERIA; PERCEPTIONS
BEGIN TO SOUR

REF: A. ABUJA 829

[B](#). ABUJA 979

[C](#). ABUJA 886

[D](#). ABUJA 680

[E](#). ABUJA 1029

Classified by Ambassador Howard F. Jeter; Reason 1.6X6.

[1](#). (C) SUMMARY: The Electoral Law, Electoral Commissioners, and funding for the Electoral Commission all have one thing in common: The actions taken by the Obasanjo Administration on these key electoral issues, however innocent, raise the perception of possible early election rigging in Nigeria. END SUMMARY.

[2](#). (C) The election season has already begun in Nigeria. Some candidates for the Presidency have already declared, and President Obasanjo is expected to announce his plans for 2003 soon. Tensions have started to rise as potential candidates and their supporters begin to harshly and vociferously criticize the Administration. History and reality dictate that the 2003 elections are likely to include some less-than-democratic practices, such as vote-buying (packets of rice and 200 Naira notes). However, we have already begun to see some troubling decisions by the Administration that, even if made for the most innocent reasons, give rise to the perception that the President is stacking the deck.

[3](#). (C) The paradigm was begun with the controversial Electoral Act. Since the same Act placed local polls after state and national polls in 2003, it prohibited new parties from participating in state and national elections until [2007](#). Such an action could be defended as limiting the elections to a manageable number of parties. However, the Governors reacted strongly and brought a case before the Supreme Court, as it is in their interest to pack new Local Government Councils with members who can turn the local governments into electoral machines that are supportive of the Governors. National Assembly members seeking more financially lucrative gubernatorial posts and an Administration seeking to replace certain governors to improve reelection prospects, of course, sought a different outcome. The Supreme Court ruled on March 28 that the timetable in the Electoral Law was unconstitutional (Ref E). Thus, the Governors won round one, and the Supreme Court affirmed its constitutional role. (However, it is entirely unclear that the Independent National Electoral Commission and the state electoral commissions are prepared to carry out local government elections as early as May 18.)

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WELCOME TO THE MACHINE
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[4](#). (C) President Obasanjo's decision to fire 34 Resident Electoral Commissioners (RECs) of the INEC was equally disturbing for many. While the President has the legal prerogative to change RECs, this action implies a desire to exert greater control over state elections (since most of the released officers were appointed before his Administration). Lame claims from the PDP that there was no ulterior motive to this action have not resonated. Count the APP among those who suspect the Obasanjo Administration's electoral preparations are less than even-handed.

[5](#). (C) APP National Chairman Yusuf Ali told reporters that his party would sue the Federal Government over the hiring of 34 new Commissioners to replace the 34 Obasanjo fired several weeks ago. (Note: Obasanjo fired all but three of 37 INEC State Commissioners resident in the 36 States and the Federal Capitol Territory. The Commissioners are the top INEC officials in their jurisdiction and are responsible for the preparation of the national election in their locales. End Note.) The APP head claimed that the suit was necessary because the new Commissioners were PDP partisans who could not be trusted to run impartial elections.

16. (C) Many of the new Commissioners are PDP loyalists and, in at least one state, a member of the PDP state executive was appointed to fill the INEC post. But more importantly, according to one source, the President has taken steps to make sure PDP party officials in the states and at the national level are Obasanjo supporters to prevent threats from within his own party. Commenting to PolMilOff, a PDP insider who worked on the 1999 Obasanjo campaign said, "We may have to pay someone to challenge the President. Any real opponent would consider the chances of winning and decide not to run. After all, it is hard to lose when you control both the players and the referees."

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INEC: NO MONEY; NO VOTE
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17. (C) The Administration has yet to release the 8-billion Naira (USD 75m) promised by President Obasanjo for INEC to begin voter registration and other election preparations. (NOTE: NSA Aliyu Mohammed told the Ambassador that the Administration is aware of N119 billion that has been allocated by the President but is "stuck" in the Central Bank, inferring that this was an effort to sabotage the Obasanjo Administration. It is possible that the INEC monies are part of these delayed/missing funds. END NOTE). INEC has blamed the lack of funding for the delays in its work, and has begun to solicit funds from donors. As tight as the Nigerian budget is, it is hard to ignore the fact that incomplete registration of voters, particularly in the rural north, will serve the reelection efforts of the Administration. Unless new rolls are completed, an important percentage of the voting population, those who have turned 18 since the last elections, will be disenfranchised from the polls. Moreover, the names of those who have died since the last registration exercise will be fair game for those who might choose to vote more than once.

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COMMENT
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18. (C) The validity and outcome of an election is often decided long before voting day. The Obasanjo Administration is racking up a series of decisions that give rise to the perception of possible early rigging. As sensitive as election issues are likely to be, early discussion with the GON about the importance of transparent procedures and the importance of how GON actions are perceived is critical. We plan to do just that (See septel on the Mission's Elections Working Group).
Jeter